

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY PORT AU PRINCE IMMEDIATE

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E. O. 11652: N/ A

TAGS: EGEN, HA

SUBJECT: DUPONT CARIBBEAN, INC., CASE

REF: PORT AU PRINCE 458 AND 473

1. DUPONT CARIBBEAN, INC., BEING SUED IN FEDERAL DISTRICT COURT FOR NORTHERN DISTRICT OF TEXAS BY CONSORTIUM OF CREDITORS LED BY EXCHANGE STREET CORP. CREDITORS SEEK APPOINTMENT OF RECEIVER TO TAKE CONTROL OF DUPONT CARIBBEAN ASSETS, WHICH ASSETS APPARENTLY LIMITED TO CONCESSION CONTRACT WITH GOH. IN ORDER FOR RECEIVER TO BE APPOINTED, COURT MUST BE SATISFIED THAT ASSETS OF DUPONT CARIBBEAN ARE IN JEOPARDY. ON MARCH 29, COURT APPOINTED ADRIAN POPOVICCI AND MAURICE SELLIER (ATTORNEYS REPRESENTING EACH SIDE) AS " OFFICERS OF COURT" AND INSTRUCTED THEM TO PROCEED TO HAITI IN ORDER TO QUOTE DISCOVER AND DETERMINE THE WILL OF THE HAITIAN STATE WITH REGARD TO THE MATTERS OF DUPONT CARIBBEAN, INC. . . . IF IT PLEASURES THE HAITIAN STATE FOR SUCH TO BE DONE. UNQUOTE- COURT CONTINUED CREDITORS'

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MOTION FOR APPOINTMENT OF RECEIVER UNTIL POPOVICCI AND
SELLIER MAKE THEIR REPORT.

2. ON 4/12/73 BYRON ELLISON PRESIDENT OF EXCHANGE STREET
CORP TELEPHONED DEPARTMENT REQUESTING EMBASSY ASSISTANCE IN
FACILITATING WORK OF COURT REPRESENTATIVES IN HAITI AND
STRESSING THAT TIME IS OF ESSENCE IF DUPONT CARIBBEAN
CREDITORS ARE TO BE PROTECTED. ELLISON WAS TOLD THAT
DEPARTMENT COULD NOT REPEAT NOT TAKE SIDES IN PURELY
PRIVATE LAWSUIT AND WOULD NOT WISH TO DO ANYTHING WHICH
WOULD EVEN GIVE APPEARANCE OF TAKING SIDES IN US SUIT OR
OF INTERVENING IN LEGAL MEASURES APPARENTLY BEING TAKEN BY
GOH AGAINST DUPONT CARIBBEAN.

3. DEPARTMENT EXPECTS THAT POPOVICCI AND SELLIER WILL CALL
ON EMBASSY FOR ASSISTANCE IF THEY HAVE NOT DONE SO ALREADY.
WE SEE NO OBJECTION TO EMBASSY'S EXTENDING USUAL GOOD
OFFICES IN HELPING MAKE APPOINTMENTS WITH APPROPRIATE GOH
OFFICIALS, ETC., IN ACCORDANCE WITH ORDINARY REPRESENTATION-
AL FUNCTION, PROVIDED THAT NOTHING REPEAT NOTHING IS DONE
IN SUCH MANNER AS TO GIVE APPEARANCE OF ANY INVOLVEMENT ON
PART OF EMBASSY AND USG IN MERITS OF CONTROVERSY. WE ALSO
EXPECT POPOVICCI AND SELLIER TO REQUEST EMBOFF TO ACCOMPANY
THEM IN MAKING ROUNDS OF GOH OFFICIALS IN HOPE THAT EMBOFF
PRESENCE WILL RENDER GOH OFFICIALS MORE "COOPERATIVE".
WHILE WE WOULD TEND TO DISCOURAGE SUCH ATTENDANCE,
EMBASSY SHOULD MAKE JUDGMENT IN GIVEN CASE WHETHER
PARTICIPATION OF EMBOFF WOULD BE UNDESIRABLE. IN ANY CASE,
OF COURSE, EMBOFF MUST NOT PARTICIPATE IN DISCUSSIONS IN-
VOLVING MERITS OF DISPUTE.

4. FYI: COURT ORDER STATES IN PART QUOTE THE COURT
REQUESTS FULL COOPERATION OF THE REPRESENTATIVES OF THE
UNITED STATES GOVERNMENT AND DIRECTS SUCH REPRESENTATIVES
TO LEND THE OFFICERS OF THE COURT . . . ANY ASSISTANCE SAID
OFFICERS MAY STAND IN NEED OF, UNQUOTE. IF POPOVICCI AND
SELLIER REFER TO COURT ORDER IN REQUESTING ASSISTANCE,
EMBASSY SHOULD INFORM THEM THAT EMBASSY IS GIVING USUAL
DIPLOMATIC ASSISTANCE. ROGERS
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